**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO.1275 OF 2006**
**IN**
**SUIT NO.5012 OF 1998**

Swastik Chamber Owners Co-operative Society Ltd. ...Plaintiffs

Versus

Krishnakumari Goenka & Ors. ...Defendants

And

Banwarilal Goenka & Ors. ...Respondents

Shri R.B.Khanolkar for the Applicants/Plaintiffs.

Shri Rakesh Dubey for the Respondents/Defendants.

**CORAM : ABHAY S.OKA, J.**
**DATED : JULY 26, 2007.**

**P.C.:**

1. Heard the learned counsel appearing for the Plaintiffs in support of Chamber Summons. I have also heard the learned counsel appearing for the Defendants as well as Respondents in the Chamber Summons. It is pointed out that compliance has been made with order dated 07th June, 2007 passed by this Court.

2. In the affidavit in support of the Chamber Summons, it is stated that the first Defendant expired on 05th November, 2003. It is stated that the said fact was communicated to the Plaintiffs on 30th May, 2006. In July 2006, the Advocate for Plaintiffs called upon

the Advocate for the Defendants to furnish names of the legal representatives of the deceased Defendant. The second Defendant replied to the said letter on 14th August, 2006 by which names and addresses of the legal representatives of the deceased first Defendant were furnished to the Advocate for the Plaintiffs. Accordingly, the present Chamber Summons is taken out in September 2006. In view of the facts stated in affidavit in support which are not controverted, a case is made out for condonation of delay and for setting aside abatement. Accordingly, Chamber Summons is made absolute in terms of prayer clauses (a) and (ai). Amendment to be carried out within four weeks.

**JUDGE**